

Serial No.: 09/992,023

REMARKS

Apparent Error in USPTO Record

The error in the Title identified in the Notice of Allowance suggests that an error has been made in the record of the USPTO. Accordingly, in order to assure that the issued patent correctly represents the prosecuted application, applicant hereby corrects the title and replace the claims of record by the claims as amended by the paper of July 19, 2004.

More specifically, subsequently to filing a paper on July 19, 2004 to place the application in condition for allowance, an amendment and terminal disclaimer dated August 20, 2004, intended to be filed in copending application Serial No. 09/992,026 (having a different docket number, different title and four different claims) erroneously and inadvertently identified the serial number of the present application as the application being amended.

Upon discovery of the error, a Petition was filed on August 26, 2004, requesting that the papers erroneously filed in the present application be withdrawn. The Petition was entered, although no communication was ever mailed in response thereto. A review of the transaction history available on the PAIR page for the present application does not show entry of the erroneous amendment of August 20, and thus it appears the Petition has been granted.

However, the transaction history shows the erroneous Terminal Disclaimer of August 20, 2004 as having been entered. It is courteously submitted that, as noted in the Petition, the Terminal Disclaimer of August 20, 2004 should not have been entered as having a title differing from that of the present application and as disclaiming a

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portion of the term of the present application over the same patents and applications identified in the earlier Disclaimer properly filed July 19, 2004.

Moreover, the Image File Wrapper (IFW) for the present application erroneously shows two amendments as having been entered into the file, on July 19 and August 20, 2004. Indeed, the Title of the present application shown on the Notice of Allowance corresponds much more closely to the erroneous title of August 20, 2004 than to the correct Title as amended July 19, 2004.

Therefore, although the Notice of Allowability states that the application is allowed in response to the paper filed July 19, 2004, it is clear that error exists in the record of the USPTO. The present paper is filed to correct any such error as follows.

Title

As hereinabove noted, although the Notice of Allowance and Notice of Allowability purport to identify the Title of the present invention in accordance with the amendment filed July 19, 2004, in fact the Notice of Allowance provides an erroneous Title. The erroneous Title is inconsistent with the amendment to the Title as provided in applicant's paper filed July 19, 2004.

As provided in that amendment, the title was amended to read:

**METHOD FOR PROTECTION OF DATA DECODING ACCORDING TO
MEDIUM PROTECTION DATA AND FIRST AND SECOND APPARATUS
PROTECTION DATA TO DETERMINE A RANGE OF PROTECTION FOR
MAIN DATA AND WHETHER SAID MAIN DATA ARE DECODED IN
THEIR ENTIRETY, PARTIALLY, OR NOT AT ALL.**

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Inasmuch as the present request is provided to correct what appears to be a typographical error in the Notice of Allowance, it is believed that the correction may properly be implemented in response to the present request, and that a separate section of the amendment to amend the Title is not necessary, as the Title has already been properly amended in the paper filed June 25, 2004.

Claims

As shown in the foregoing, it is unclear from the file history of the present application whether the claims are those filed July 19, 2004 or whether errors similar to those related to erroneous identification of the Title and erroneous inclusion of a Terminal Disclaimer in the file also occurred with respect to the claims.

Inasmuch as both the present application and the application intended to be amended by the paper dated August 20, 2004 contain four claims, it appears possible that the claims presently in the record are duplicates of claims in the copending application.

In order to avoid the possibility of two patents issuing with the same claims, the present amendment is therefore being filed under the provisions of 37 CFR 1.312 in order to replace the pending claims by the claims as actually amended July 19, 2004.

Domestic Priority

Additionally, applicant notes that neither the first Official Action nor the Notice of Allowance identifies applicant's claim for domestic priority. However, inasmuch as the present application is a properly filed continuation application, it is courteously

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requested that the records of the U.S. Patent and Trademark Office properly identify the domestic priority of the present application and of the patent to be issued thereon.

Having thus provided a correction of a typographical error and a proper amendment under 37 CFR 1.312, it is respectfully requested that the amendment be entered and that the typographical error be corrected.

Since the present amendment thus does not change or affect the scope of the allowed claims, but merely assures that a possible error is avoided, entry of the amendment is in order and is courteously requested. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number if any further comments, questions or suggestions arise in connection with the application.

Respectfully submitted,



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